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## FISCAL IMPACT REPORT

ORIGINAL DATE 1-20-06  
 SPONSOR Beffort LAST UPDATED 2-06-06 HB \_\_\_\_\_  
 SHORT TITLE Domestic Violence Prevention Services SB 221/a SPAC  
 ANALYST David Lucero

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$3,000.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB213, Relates to HB58 and SB124 and HB12.  
 Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Family Department (CYFD)  
 New Mexico Corrections Department – “No Impact” (NMCD)  
 Public Education Department (PED)

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee amended SB221 as follows:

1. page 1 line 21, ~~\$1,000.0~~ \$2,000.0 for shelter care, shelter improvements, expansion and supplies;
2. page 1, lines 24 and 25, ~~\$1,500.0~~ \$500.0 to provide child and adolescent counseling and crisis intervention for victims of domestic violence and their children;
3. \$500.0 to provide training and education in public schools and other community centers that provide services to families dealing with domestic violence.

The amendments do not change the fiscal or performance implication for CYFD.

As amended, SB221 is now in conflict with SB124 which also appropriates \$3,000.0 for domestic violence. Both bills appropriate money for shelter improvements. Shelter improvement with general fund may be a violation of the anti-donation clause. SB124 was amended to re-allocate the shelter improvement money to domestic violence services.

CYFD would like to propose an amendment to have the \$2,000.0 portion of the funding be appropriated to the Department of Finance and Administration, Local Government Division.

The amendment conflicts with HB213 which is the duplicate of this bill and should also be amended.

### Synopsis of Original Bill

Senate Bill 221 appropriates \$3.0 million from the general fund for expenditure in 2007 to Children, Youth and Families Department (CYFD) for the purpose of funding contractual services for domestic violence prevention and service response providers. The appropriation includes \$1,000,000 for shelter care and shelter improvements, expansion and supplies; \$1,500,000 to provide adolescent counseling and crisis intervention for victims of domestic violence and their children; and \$500.0 to provide training and education in public schools and other community centers that provide services to families dealing with domestic violence.

### **FISCAL IMPLICATIONS**

This appropriation was not included in the CYFD budget request; however the executive recommendation includes \$3.0 million for expanded statewide domestic violence services.

The appropriation of \$3.0 million contained in this bill is a RECURRING expense to the GENERAL FUND. Any unexpended or unencumbered balance remaining at the end of 2007 shall revert to the GENERAL FUND.

CYFD is the fiscal agent for this bill. The Public Education Department (PED) and schools would not be impacted.

### **SIGNIFICANT ISSUES**

The bill specifies \$1,000.0 for shelter care and shelter improvements, expansion and supplies. Providing a general fund appropriation for shelter improvements and expansion may violate the anti-donation statute. Perhaps a revolving fund can provide low or no interest loans to providers.

PED provided the following information:

- PED received \$300.0 in FY06 for domestic violence curriculum in elementary schools.
- Many of our New Mexico children and youths are victims of domestic violence (<http://www.ltgovernor.state.nm.us>).
- In 2004 there were more than 26,000 reported cases of domestic violence (<http://www.ltgovernor.state.nm.us>).
- Domestic violence does not discriminate; victims and perpetrators come from every ethnicity, class and age group (<http://www.ltgovernor.state.nm.us>).
- Studies have shown that child abuse occurs in up to 70% of families that experience domestic violence (<http://www.ltgovernor.state.nm.us>).
- A 2003 study by Research and Polling done for the Children's Cabinet showed that one of the greatest concerns of adults was how the impact of witnessing domestic violence harms a child for years to come, ruining their relationships and continuing the cycle of violence (<http://www.ltgovernor.state.nm.us>).
- Children who witness domestic violence are more likely to fail in school and withdraw from society (<http://www.ltgovernor.state.nm.us>).

- Domestic violence is often said to happen in a cycle (<http://www.ltgovernor.state.nm.us>).
- Studies have shown that the most effective steps for reducing domestic violence are to hold the batterer accountable and to get effective treatment (<http://www.ltgovernor.state.nm.us>).
- Victims of domestic violence often lack information, economic resources and a support network (<http://www.ltgovernor.state.nm.us>).
- The most dangerous time for a victim of domestic violence is when he or she is trying to leave an abusive relationship (<http://www.ltgovernor.state.nm.us>).

## PERFORMANCE IMPLICATIONS

The bill does not specify an improved level of performance associated with the increased funding. It is unclear if the bill seeks to reduce the incidents of domestic violence, provide for an increased level of service, or increase the number of clients served.

CYFD believes the bill would positively impact the department's performance measures including: "Number of adult victim witnesses receiving domestic violence services", "Percent of adult victims receiving domestic violence services who show improved client competencies in social, living, coping and thinking skills", and "Percent of adult victims receiving domestic violence services living in a safer, more stable environment"; however the majority of the appropriation is geared toward children, adolescents, shelter improvements, expansion and supplies..

PED provides the following statement:

In order to ensure New Mexico's victims of domestic violence have access to services the barriers to shelter care must be lifted. Child and adolescent counseling and crisis intervention and ongoing training and education in public schools and community centers that provide services to families dealing with domestic violence issues must occur.

## ADMINISTRATIVE IMPLICATIONS

CYFD will not be compensated for the increased administrative cost of contracting these services. The administrative cost to release requests for proposals, to monitor the contract performance, and performance measure reporting is not considered in the bill.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill duplicates HB213

This bill relates to HB 058 and SB 124 which also appropriates \$3.0 million to CYFD for domestic violence. HB58 and SB124 declare an emergency and are also for shelter improvements and services for children who are victims of domestic violence.

This bill relates to HB12 which appropriates \$100 thousand for a Shiprock domestic violence shelter.

## TECHNICAL ISSUES

The contract with an eligible provider shall specify and ensure state funds are not used for any religious, sectarian or denominational purposes, instruction or material.

## OTHER SUBSTANTIVE ISSUES

**Child and adolescent data:** (An Analysis of 2004 Data from the New Mexico Interpersonal Violence Data Central Repository Betty Caponera, PhD, June 2005)

- More children (7,170) received services from DV service providers in 2004, which represents a 35% increase over 2003
- There were 4,463 children present at the scene of their family violence episodes in 2004.
- 75% of children who witnessed domestic violence incidents were 11 years old and under as reported by DV Service Providers.
- 34% (2,292) of the children victim-witnesses were between 0-5 and 41% (2,742) age 6-11.
- 30% (1,708) of children victim-witnesses as reported by domestic violence service providers' experienced physical abuse and 5% (253) experienced sexual abuse.

### **From the Family Violence Prevention Fund Website:**

On January 5, 2006 President Bush signed the Violence Against Women Act of 2005 into law. The Violence Against Women Act of 2005 contains groundbreaking initiatives to help children exposed to violence, train health care providers to support victims of abuse, encourage men to teach the next generation that violence is wrong, and provide crisis services for victims of rape and sexual assault. H.R. 3402 is part of the Department of Justice Reauthorization Act of 2005. It also continues efforts to improve the law enforcement response to violence against women and provide supportive services, such as transitional housing, to women and children forced to leave their homes because of violence. "The Violence Against Women Act of 2005 provides cities and towns with the tools they need to combat domestic violence, assist victims and go after abusers when it occurs."

First passed in 1994, the Violence Against Women Act was the first federal law to comprehensively address violence against women. It was re-authorized in 2000, continuing the essential work begun earlier and adding important services for immigrant, rural, disabled and older women.

The new re-authorization will expand and extend the law for five years, with funding appropriated at approximately \$3.9 billion. Congress must determine actual authorization levels each year, however, and does not always fund programs at the levels in the appropriation.

## WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

DL/nt:yr